## IN THE COURT OF APPEALS OF THE STATE OF IDAHO

## Docket No. 47880

STATE OF IDAHO,	)
	) Filed: November 4, 2020
Plaintiff-Respondent,	)
	) Melanie Gagnepain, Clerk
<b>v.</b>	)
	) THIS IS AN UNPUBLISHED
NATHAN DEAN WAGSTAFF,	) OPINION AND SHALL NOT
	) BE CITED AS AUTHORITY
Defendant-Appellant.	)
	)

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Twin Falls County. Hon. Benjamin J. Cluff, District Judge.

Order denying Idaho Criminal Rule 35 motion for reduction of sentence, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Jacob L. Westerfield, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kacey L. Jones, Deputy Attorney General, Boise, for respondent.

Before GRATTON, Judge; LORELLO, Judge; and BRAILSFORD, Judge

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## PER CURIAM

Nathan Dean Wagstaff pled guilty to driving under the influence of alcohol, Idaho Code § 18-8005(9). The district court imposed a unified sentence of ten years with three years determinate. Wagstaff filed an Idaho Criminal Rule 35 motion for reduction of sentence, which the district court denied. Wagstaff appeals.

A motion for reduction of sentence under Rule 35 is essentially a plea for leniency, addressed to the sound discretion of the court. *State v. Knighton*, 143 Idaho 318, 319, 144 P.3d 23, 24 (2006); *State v. Allbee*, 115 Idaho 845, 846, 771 P.2d 66, 67 (Ct. App. 1989). In presenting a Rule 35 motion, the defendant must show that the sentence is excessive in light of

new or additional information subsequently provided to the district court in support of the motion. *State v. Huffman*, 144 Idaho 201, 203, 159 P.3d 838, 840 (2007). Upon review of the record, including any new information submitted with Wagstaff's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Wagstaff's Rule 35 motion is affirmed.